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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,658	10/18/2001	Jack L. Meador	10003643-1	5312

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER	
SHARMA, SUJATHA R	

ART UNIT	PAPER NUMBER
2684	

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/003,658	MEADOR, JACK L.	
	Examiner	Art Unit	
	Sujatha Sharma	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 October 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/18/01*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Objections

1. Claim 21 is objected to because of the following informalities:

In claim 21, in line 2, "digital modulator" should read as – digital demodulator--

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,4-11, 13-16, 18, 20-25 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Heidari [US 5,790,957].

Regarding claims 1,24, Heidari discloses a method of speech recall in a cellular telephone. Heidari further discloses a two way radio (see fig. 1) comprising:

- a radio signal transmitter (see 48 in fig. 1) and
- a radio signal receiver (see fig. 1, 50) including a receiver control system having a memory (see col. 2, lines 20-24) configured to convert radio signals to demodulated audio signals and store the demodulated signals in memory (see fig. 1 and col. 4, lines 30-36, col. 6, lines 58-64, col. 7, lines 29-46).

Regarding claim 4, Heidari discloses an audio output for outputting audio signals (see fig. 1, 14 and col. 5, lines 49-67, col. 6, line 58- col. 7, line 12).

Regarding claim 5, Heidari further discloses a method wherein the receiver control system further includes a controller configured for receiving audio signals, storing the audio signals and retrieving the audio signals from the memory and outputting the audio signals to the audio output (see col. 7, lines 13-28).

Regarding claim 6, Heidari discloses a two-way radio wherein the receiver control system includes

- an analog to digital converter for receiving the audio signals and converting them to digital audio signals (see 38 in Fig. 1, col. 4, lines 30-36, col.5, lines 49-58)
- a controller for storing the digital audio signals in memory and retrieving the digital audio signals from memory (see 28 in fig. 1 and col. 7, lines 13-28)
- a digital to analog converter (72 in Fig. 1) for receiving the digital audio signals from memory via the controller and converting the digital signals to analog audio output signals which are output to the audio output (see col. 7, lines 13-28).

Regarding claim 7, Heidari further discloses a control panel coupled to the receive control system (see col. 1, line 60 – col. 7, line 2).

Regarding claim 8, Heidari further discloses a two way radio comprising a display indicator coupled to the receiver control system for indication of the presence of audio signals stored in memory (see col. 11, lines 50-67).

Regarding claim 9, Heidari further discloses a method comprising:

- an audio output system for outputting audio signals (see 14 in fig. 1)
- a receiver (see fig. 1, 50) for receiving radio signals and converting the radio signals to demodulated audio signals (38 in fig. 1)
- a bypass system (switch 84 in fig. 1) configured for selectively coupling the receiver to the audio output system and bypassing the receiver control system (see col. 7, lines 19-23, col. 8, lines 55-62, col. 11, lines 15-37).

Regarding claims 10, Heidari further discloses a two way radio comprising:

- an antenna (52 in fig. 1)
- a transmitter system (16 in fig. 1) for transmitting modulated radio signals via the antenna
- a receiver system including an audio output (see 14 in fig. 1), a receiver for receiving modulated out put via the antenna (see fig. 1), a standby system including memory (see 76 and 84 in fig.1) where in the standby system is configured for receiving audio signals from the receiver and storing the audio signals in memory (see fig. 1 and col. 4, lines 30-36, col. 6, lines 58-64, col. 7, lines 29-46) and selectively outputting the stored audio signals to the audio output system (see summary of invention, fig. 1, 14 and col. 5, lines 49-67, col. 6, line 58- col. 7, line 12) and a bypass system (see switch 84 in fig. 1) configured for bypassing the standby system for directly outputting audio

signals from the receiver to the audio output(see col. 7, lines 19-23, col. 8, lines 55-62, col. 11, lines 15-37).

Regarding claim 11, Heidari further discloses a method wherein the standby system further comprises an analog to digital converter (38 in fig. 1), a controller (28 in fig. 1) and a digital controller (44 in fig. 1).

Regarding claims 13, Heidari further discloses a two way radio comprising:

- an antenna (52 in fig. 1)
- a receiver system including an audio output (see 14 in fig. 1), a receiver for receiving modulated out put via the antenna (see fig. 1), a standby system including memory (see 76 and 84 in fig.1) where in the standby system is configured for receiving audio signals from the receiver and storing the audio signals in memory (see fig. 1 and col. 4, lines 30-36, col. 6, lines 58-64, col. 7, lines 29-46) and selectively outputting the stored audio signals to the audio output system (see summary of invention, fig. 1, 14 and col. 5, lines 49-67, col. 6, line 58- col. 7, line 12) and a bypass system (see switch 84 in fig. 1) configured for bypassing the standby system for directly outputting audio signals from the receiver to the audio output(see col. 7, lines 19-23, col. 8, lines 55-62, col. 11, lines 15-37).

Regarding claim 14, Heidari further discloses a transmitter system (16 in fig. 1) for transmitting modulated radio signals via the antenna.

Regarding claims 15,27 Heidari further discloses an encoder (see 32 in fig. 1) for providing a unique identification code associated with the modulated signals transmitted via the transmitter system.

Regarding clam 16, Heidari further discloses a decoder (36,88 in fig.1) for decoding a unique identification code associated with the radio signals received via the receiver system.

Regarding claim 18, Heidari further discloses a two way radio comprising:

- an antenna (52 in fig. 1)
- a controller (28 in fig.1)
- a memory storage device (76 in fig.1)
- a transmitter system (16 in fig. 1) for transmitting modulated radio signals via the antenna
- a receiver system including an audio output (see 14 in fig. 1), a receiver for receiving modulated out put via the antenna (see fig. 1), converting the modulated signals to demodulated signals and storing the demodulated signals in memory via the controller (see fig. 1 and col. 4, lines 30-36, col. 6, lines 58-64, col. 7, lines 29-46) and selectively outputting the stored audio signals to the audio output system (see summary of invention, fig. 1, 14 and col. 5, lines 49-67, col. 6, line 58- col. 7, line 12)

Regarding claim 20, Heidari discloses a transmitter system that includes a radio frequency transmitter (32,40,42 in fig.1), a digital modulator (32 in fig. 1), an analog to digital converter (70 in fig. 1) and an audio input system (12 in fig. 1).

Regarding claim 21, Heidari further discloses a receiver system, which includes a radio frequency receiver (36,44,46 in fig.1), a digital demodulator (36 in fig.1), a digital to analog converter (72 in fig.1), and an audio output system (14 in fig.1).

Regarding claim 22, Heidari further discloses a control panel coupled to the receive control system (see col. 1, line 60 – col. 7, line 2).

Regarding claim 23, Heidari further discloses a two way radio comprising a display indicator coupled to the receiver control system for indication of the presence of audio signals stored in memory (see col. 11, lines 50-67).

Regarding claim 25, Heidari discloses an audio output for selectively outputting audio signals (see fig. 1, 14 and col. 5, lines 49-67, col. 6, line 58- col. 7, line 12).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2,3,12,19,28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heidari [US 5,790,957] in view of Bauer [US 5,566,362].

Regarding claims 2,3,19,28, Heidari discloses all the limitations as claimed. However he does not disclose a switch operable for switching between the transmitter and the receiver.

Bauer, in the same field of endeavor, teaches a wireless voice transmission method. Bauer further discloses a switch operable for switching between the transmitter and the receiver.

Therefore it would have been obvious to provide the above teaching of Bauer to Higuchi in order to share the electronic components between the transmitter and receiver circuitry and eliminating the duplication of components and thus reducing the size of the telecommunication device.

Regarding claims 12, Heidari discloses all the limitations as claimed. Heidari further discloses a switch for switching the receiver between a standby system and a bypass system. However he does not disclose a switch operable for switching the antenna between the transmitter and the receiver system.

Bauer, in the same field of endeavor, teaches a wireless voice transmission method. Bauer further discloses a switch operable for switching between the transmitter and the receiver.

Therefore it would have been obvious to provide the above teaching of Bauer to Higuchi in order to share the electronic components between the transmitter and receiver circuitry and eliminating the duplication of components and thus reducing the size of the telecommunication device.

6. Claims 17 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heidari [US 5,790,957] in view of White [US 5,133,082].

Regarding claims 17 and 26, Heidari discloses all the limitations as claimed. However he does not disclose a method wherein the controller after receiving a unique code from the decoder compares it to a stored code and only if the unique code matches the stored code the controller operates to store the associated audio message in the memory storage device.

White, in the same field of endeavor, teaches a method of comparing the unique code received with the stored code and if it matches then stores the message in the memory device. See col.1, line 58 – col. 6, line14.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of White to Heidari in order to provide secured communication between the two parties involved in the call.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Guzik [US 6,104,119] Piezoelectric switch

Kok [US 5,060,293] Antenna switch for transmit/receive operation using relays and diodes

Bhogal [US 6,751,298] Localized voice mail system

Comer [US 6,154,648] Methods and apparatus for communicating data via a cellular mobile radiotelephone system

Ohsuge [US 6,584,308] Mobile telephone with voice data compression and recording feature

Takeda [US 4,903,257] Digital two-way radio communication system using single frequency

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 703-305-5298. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sujatha Sharma
September 9, 2004

NICK CORSARO
PRIMARY EXAMINER